





# SAN FRANCISCO.

Thursday, Dec. 27, 1849.

## The Inaugural Address and the First Annual Message of the Governor.

We publish both of these interesting documents, on an Extra Supplemental Sheet of this morning's paper, supposing that those of our readers who wish to preserve them for future reference, may do so, more conveniently, in this form.

The Message strikes us, upon the first perusal, as an able and well written paper. In the clearness, condensation and precision of its statements, it will, we think, be found to compare very favorably, with similar official communications in any other portion of the Union.

The views which it presents of the condition and future policy of the State, will also, we think, commend themselves, both to our own community and the American people in general, as being, in the main, sound and well judged.

In view of the limits and character of the Federal and State jurisdictions, respectively, under our political system—in view of the present condition of California—and especially of the precedents in the cases of Missouri and Michigan, both of which States put their State Governments in full practical operation before their admission into the Union, the Governor does not doubt that it is both proper and expedient for the State Legislature to proceed at once, with the business of State Legislation which is before them. He therefore earnestly recommends to that body, to put the State Government into full operation, without delay. In this recommendation the Governor expresses, we think, the almost unanimous sentiment and wish of the people.

The adoption of a civil and criminal Code of Law for California, presents itself to the view of the Executive, as being among the first and most pressing of the duties now imposed upon the Legislature, and with a readiness to meet any proper responsibility, which the people will doubtless fully appreciate, he makes upon this all-important subject, an urgent and very definite recommendation. He advises that the basis of the legal system of the State, be laid by the adoption of:

1. The definition of crimes and misdemeanors contained in the Common Law of England.
2. The English Law of Evidence.
3. The English Commercial Law.
4. The Civil code of the State of Louisiana.
5. The Louisiana Code of Practice.

The question whether the Common Law or the Civil Law shall be established, as the foundation of our future legal system, is of course a most grave and momentous one, and the most intelligent men among us, may, and doubtless will, arrive at very different conclusions upon the subject. But there will probably be found little disposition in any quarter among us, to dissent from the high eulogium which the Governor pronounces upon the Civil Code of Louisiana. We have, however, heard it suggested, that some serious difficulty may be found in adapting the whole body of the English Law of Evidence, to the Louisiana Code of Practice.

In regard to the great question of raising a Revenue for State purposes, the Governor advises that, resort should at once be had to a general system of Direct Taxation, both upon persons and upon property, in place of any attempt to negotiate a Loan. The general principles of public policy upon which this recommendation is based, are doubtless sound and undeniable; and the Governor's argument in favor of it, is put with great clearness and force. We believe that, in the long run his policy upon the subject will prevail. But at this time, the Loan question seems to us to be the question upon which Parties in the State will first be definitely divided and organized against each other.

The views of the Governor in relation to the expediency of immediate action, by the Legislature, to prohibit the settlement of free people of color in the State, will also doubtless excite much interest and attention. Upon the general question, there will be found, we think, at present in our community, a considerable division of opinion. But supposing—that what we are inclined to think is the fact—that a majority of the people of California would prefer that

free negroes should not settle here, nor even be permitted to settle here, a serious doubt arises whether it be not premature and inexpedient for the Legislature to pass a law to that effect, at this time. A somewhat similar provision, incorporated into the Constitution of the State of Missouri, as we remember, seriously embarrassed the admission of that State into the Union—kept her out, indeed, long after the Missouri Compromise had been passed with a special view to her admission, and in fact until the obnoxious provision itself had, as we recollect, been rendered at least virtually void. The moral and political right of California to come into the Union without delay, appears to us entirely clear and unquestionable. In our judgment there is but small doubt, if any doubt, that her right in the premises, will be promptly and fully recognised and admitted. But is it wise, as a question of expediency, for her State Authorities, at this time, to raise, unless compelled to do so, any question or any agitation which may throw additional difficulties, or create additional prejudices, in her way? In taking this view—which appears to us to be at this time an obvious view—we do not, of course, touch the farther question of the ultimate policy of the State in the matter, or the constitutional question of the right in the premises, of those free colored persons who may claim to be citizens of any Northern States.

The recommendations in the concluding portion of the Message, in regard to the details of the State organization, will, we think, be generally regarded as judicious. The subject of Education in the State cannot have escaped the Governor's attention, and as nothing is said upon that topic in the Message, we conclude that he deems it proper to leave that matter to the large provision which has been so wisely made for it in the Constitution. The same remark applies to the Militia System, all reference to which is also omitted.

In conclusion, we deem it a matter of sincere congratulation that the first Legislature of the State of California, enters upon its legislative duties with an assurance of such Executive aid and cooperation, as are guaranteed and exemplified in the whole conception and character of this able and Statesman-like Message.

## Large Fire in Stockton!—Five Buildings Consumed!—Loss of Property, \$150,000!

We have received, through Messrs. Todd & Bryant's Express, the following letter from our correspondent at Stockton, which was promptly delivered to us, at a late hour on Monday night, in a few moments after the arrival of the steamboat.

It will be seen that a destructive fire took place in Stockton at almost the very time when our city was visited with a similar, although more serious calamity. The coincidence is somewhat remarkable. Both cities being destitute of a Fire Department—both looking wholly for salvation to individual effort—both being built of highly combustible materials, and yet the fire being quelled in both at an early period of its progress, before it had spread beyond control, and before one half of the houses were laid in ashes.

Our readers will learn the particulars from the following communication: [Correspondence of the Pacific News.] STOCKTON, December 24, 1849.

Messrs. FAULKNER & LELAND: This place was visited, last night, with a sweeping and destructive fire, consuming an immense amount of merchandise, and other property. The alarm of fire was given about 12 o'clock, and as soon as it was possible for me to get to it, the whole of Porter, Melony & Co's large, newly finished and furnished gambling house was in a flame of fire, giving a threatening and fearful aspect to all the buildings around it. It was, however, arrested at the St. Charles Hotel, destroying the Verandah, a building owned by Mr. E. Lane, Grayson & Stephens' trading house, and a new building in the course of completion, erected by a colored man by the name of Lucien Benjamin. Another small building owned by Mr. E. Lane, and leased by Mr. Agnew, was also destroyed, having been cut down and pulled away. The total amount of the loss of property will not fall short of \$150,000, and the principal losers will be Messrs. Tucker & Buckman, Grayson & Stephens, E. Lane, Porter, Melony & Co., Chapman & Cornwall, and the colored man before mentioned, the circumstances of whose loss are peculiarly ag-

gravating. He had become one of the oldest inhabitants. On his arrival in the country he had opened a small restaurant on Centre street, where, by frugality and close application to his business, he had accumulated a fortune of \$30,000, more or less. The whole of this sum he was investing in his new hotel, which, in point of style and arrangement, was to be of the first class. It was nearly ready to be occupied, but by this large conflagration, the town has lost the convenience and accommodation of such an hotel, and the poor man his all of pecuniary ability. There have been many other private losses by this fire, but I am not informed to how great an extent, or who are the sufferers. It is indeed remarkable that the St. Charles Hotel and Mr. E. Lane's trading house should have escaped, the former standing next to one which was entirely destroyed, and the latter standing in a position to be entirely covered by the flames, owing to the direction of the wind. In the case of the St. Charles, the wind was blowing the fire from it, and water was freely used in subduing the fire near to the building, and the trading house of Mr. Lane was covered with zinc, which may have saved that from destruction. The sides and eaves of the building ignited in several places, but the fire was immediately put out. I am very sorry to add, that during the excitement much pilfering, and many petty thefts were committed. The fire is supposed to have caught in the kitchen of Porter, Melony & Co.

We publish, with pleasure, Mr. E. Lane's card of thanks, which will be found in another column.

## LOCAL MATTERS.

[In consequence of the continued illness of Mr. AMES, we have, temporarily, engaged a gentleman, formerly connected with the press of New York city, to take charge of the department of 'Local Matters.' We trust our friends will render him every facility.]

**The Late Fire.**—Almost before the cinders had ceased burning, the owners of several of the buildings recently consumed, had lumber upon the ground, and energetic preparations were immediately made for the erection of the 'Parker House,' 'El Dorado,' and several other buildings of less dimensions. Indeed, early yesterday morning, on our visiting the burnt district, we were astonished to behold already erected the complete frames of two houses; and the ground of the lots, where twenty-four hours since, little else than burning lumber was to be found, had been cleared, and large tents, well stocked with merchandise, are already 'open for a market.' This is an evidence of the energy and enterprise, characteristic of the American people—unsubdued by any calamity, no matter how sudden the event, or how devastating the consequence—which it is extremely gratifying to reflect upon; and we have not the least doubt that, ere another month shall have passed away, the 'burnt district,' like the Phoenix, will rise from the ashes purified; and beautiful buildings then occupy the place of what is now only a mass of unsightly ruins.

A great meed of praise is due to the police, for the very efficient manner in which they executed their duty on the day of the fire. Though but limited in number, and, aside from the various functions they were called upon to exercise, in the immediate vicinity of the conflagration, and the vast area of ground they were compelled to occupy, they succeeded, in a creditable manner, in affording protection to property secured from the flames, and made a large number of arrests for petit larceny. As it was, however, notwithstanding their vigilance, if we may judge from the gaudy trappings that decorate the many tents of the hill-side, occupied by Chilians, a considerable amount of goods must have been stolen. Let the authorities look to this.

In the hurry of preparation, we omitted to mention, in our article on the fire, which appeared in the last paper, the total destruction of the Baltimore Restaurant. We learn, however, from a communication which we have received, that its enterprising proprietors are not at all discouraged, but are making immediate arrangements to re-open their house.

We perceive that our neighbors of the Alta California, in their notice of the accidents which occurred at the fire, state that Mr. Edgerton, who fell from the roof of a house, received such injuries that it is thought he will not recover. We are happy to learn, however, from Dr. Patterson, his medical attendant, that, although his injuries are severe, yet he is doing well, and that his case is not now regarded as being dangerous.

In addition to the amounts of individual loss, caused by the fire, which we gave in our last, we have learned the following: The store of the Messrs. Soruco, blown up by order of the town authorities, loss \$50,000; Cueto Brothers, loss \$20,000; two houses belonging to Mr. Luzman, loss \$30,000. The variety store of Mr. S. W. Hastings, having been situated between the Our House and the store of Rosenbaum & Shaffer, was torn down by order of the alcalde. Mr. Hastings estimates his loss at \$12,000.

We perceive that it is stated, in the Alta California, that the establishment of Zeurchard & Van Buree, on Washington street, was blown up, in accordance with the orders of the alcalde, by Major Sweetzer. We are requested by Major Sweetzer to state that, on the contrary, the establishment which he entered was the Central House, owned by Messrs. Chase & Porter.

In the 'Alcalde's Court,' little of interest is transpiring, other than the examination of some forty or fifty prisoners, arrested for petit larceny at the late fire.

The name of the person murdered on the Mission Road, is Thomas Brown, formerly a seaman, who made his home in the vicinity of the Mission. He is represented, by those who have known him, in this vicinity, for several months, as a man of very amiable disposition, and whose only fault was too frequent indulgence in liquor. What the inducement to murder could have been it is difficult to conjecture.

**Coroner's Inquest.**—Sheriff Townes yesterday held an inquest on the body of a man found dead on the stoop in front of the store of Finley, Johnson and Co., in Clay street. The deceased, whose name was Geo. Alby, from Baltimore, and who came here in the ship 'Susan G. Owens,' had been in a state of intoxication several days; and, on the evening of Christmas, had become so much exhausted as to be unable to move. Several persons, observing his pitiable condition, endeavored to remove him from the 'Auction Lunch,' where he then was, to the station house, and being unable to do so, without additional assistance, placed the deceased on the stoop and proceeded to the Station House for help. On their return they found Alby dead. Verdict in accordance with the facts.

**Mrs. Rowe's Benefit.**—This accomplished female equestrian, who is nightly adding to her former well established reputation, presents herself to the public of San Francisco for a benefit, to-night, at the Olympic Circus. The attractions are varied and well selected. Let her have a substantial benefit.

**The St. Francis Hotel.**—Those of our citizens who may resort to this excellent establishment which has just commenced a very successful business, will be right pleasantly reminded of the fine hotels which they have left behind them in the Atlantic cities. The arrangements unquestionably surpass any that we have seen before for the accommodation of the public in San Francisco. The table d'hôte would be regarded as excellent any where. The rooms are very neatly and comfortably furnished, and the whole system of the house is admirably fitted to give satisfaction to all who are on the look out for a really good hotel. It is much to the credit of Messrs. Parker & Co., the enterprising and courteous proprietors of the house, that they have determined to permit no gambling tables on their premises. This fact alone should go far to commend the St. Francis to the favor of our citizens.

We learn with much satisfaction by an advertisement in another column, that the Hon. T. Butler King proposes to pursue his profession as a lawyer in San Francisco.

**Protection Against Fire.**—The recent extensive conflagration in this city, had the effect of temporarily rousing our citizens and the Town Council from the lethargy, in relation to protection from fire, that has seemed to enwrap our population, with very few exceptions, notwithstanding that, for months, they have been frequently and faithfully beseeched by the press to move in the matter; and while the excitement created by this calamity was yet in all its freshness, the Council very promptly and efficiently (so far as resolution is concerned) adopted measures to secure future relief, in cases of like nature. Mr. Price, of the Council, introduced the following preamble and resolution, which were unanimously adopted, and ordered to be published:

"Whereas, the Town severely suffered this morning, from the want of necessary organization and means to meet the devastating element of fire;

Therefore, Resolved, That the citizens be requested to meet in Portsmouth square, on Wednesday next, at 12 o'clock, M., to take such measures as may be deemed advisable to protect the Town against another such calamity, by organizing Fire Companies, and that the Town Council will supply the Hooks, Ladders, Axes, Ropes, &c. to be kept by said companies."

We were upon the ground at an early moment, and expected to have met with a large number of our fellow citizens; but with the exception of the gathering, here and there, of knots of persons, doing business in and about the Alcalde's office, there was no sign of public interest manifested in the movement so necessary for future protection against fire; and the expected meeting proved a total failure. Why this apathy? Are we to return again to the active business of life, in fancied security from farther visitations of the dread element, until we are aroused by the alarm-bell to perhaps witness the entire destruction of San Francisco? or shall we devote a few moments from the pursuit of gain, and secure such an organization of a fire department, as will palliate in a large degree, if not prevent, the recurrence of an event similar to that of the 24th December? Every good citizen owes a duty to community in this respect; and we hope the proper authorities will "keep before the people" a subject so deeply affecting their interests, till the matter, so desirable, be accomplished. J. B. D.

[From the Alta California.]

**OUR COTEMPORARY.**—We would acknowledge the neighborly and professional civility manifested on the occasion of the recent fire by the office of the *Pacific News*. The Messrs. Faulkner, at the head of the gentlemen of the office, waited upon us at a critical juncture to render assistance in removing the material of the *Alto California*, if it should be deemed necessary. We shall not soon forget this act of friendly thoughtfulness.

At one moment, in the progress of the conflagration, when some of the buildings on the north side of Washington street took fire, we thought we might ourselves need, before long, a similar aid from our neighbors, which we have no doubt would, upon occasion, have been zealously and heartily rendered to us,

## From the Mines.

The following intelligence from the "Placers," appears in the Placer Times, of Dec. 22d:

**The Placer.** The stormy weather of the last week has deprived us of much information from the mines. From the little intelligence we have derived from the miners who have found their way into this city, we are led to conclude that the same influences have prevented operations to any extent in the diggings. We are told that those who are living in tents in exposed places have suffered much from the recent south-east storms. Those domiciled in well-built log cabins, in dry localities, have been so comfortably situated as to be enabled to laugh at the elements, while the occupants indulge in recounting past reminiscences and future prospects. There are many pleasing features about a mountain life, in a rude and uncouth cabin, which few of the effeminate denizens of our large cities know or think of. Seated around a comfortable fire, with few aspirations out of their reach, they indulge in the mirthful story and song, of which everyone's buoyant spirit stimulates him to furnish his quota, and pass their time as agreeably and comfortably as they could wish.

The streams have risen to a great extent within three or four days, and "a few more of the same sort" we should think would cut off all communication with the mines.

## A Free Public School.

It will be seen, by the advertisement which we give below, that a movement in favor of education is about commencing in our midst. Mr. J. C. Pelton proposes to open a school, in the Baptist Chapel, on Washington street, which shall, for the present, at least, be free for children of both sexes.

We know nothing further of the gentleman than that he comes among us recommended by Gov. Briggs and other friends of education in Massachusetts, for his high moral character, and for that skill in the regulation of a school and the imparting of instruction, without which no teacher can succeed. We can but express our sincere hope that his laudable efforts may be crowned with success.

The following is his notice addressed TO THE CITIZENS OF SAN FRANCISCO.

The subscriber proposes to establish, in San Francisco, a Free Public School. In order that the school may be free to all who may be disposed to avail themselves of its privilege, it is proposed to admit, free of tuition, all who may apply; no other compensation being required, at present, than what the friends of the school and the public generally may be disposed to contribute.

It is also proposed, until better arrangements can be made, that the school consist of children and youth of both sexes and of the different ages that usually attend primary and more advanced schools, and that the course of study include those English branches taught in the public schools of New England.

The Baptist Chapel, situated on Washington street, has been generously tendered, and a sufficient sum guaranteed to conveniently fit the same for the use of the proposed school.

The school will commence on Wednesday, the 26th inst.

Before leaving the States, the subscriber procured, at an expense of much time and pains, an ample supply of the most approved school books, with which those pupils who wish can be supplied at the school room.

The subscriber is permitted to refer to Mr. F. Fitts, Mr. Wm. W. Gallar, Mr. Wm. Hooper, and the Rev. Mr. Wheeler. The names of the Trustees will appear in a subsequent number of this paper.

J. C. PELTON.

## Emigration to California.

Under the caption of "CALIFORNIA ITEMS," we find, in the New York Tribune of Oct. 16th, a statement of the operations going forward in the States, at that date, in regard to emigration to this country and the supply of trade here:

The clipper bark Dominga will sail from Newburyport, Mass., for San Francisco, on the 20th Oct. She has a separate cabin for ladies.

A company for California has been formed in Providence, R. I., called the 'Rhode Island Hope Mining Association.' They have purchased the clipper-built bark Walter, and are fitting her up in a substantial manner. She is to be commanded by Capt. Joyce. The company are provided with houses, mining tools, &c.

The brig Nonpareil is advertised to sail from New Bedford on the 20th October, and the schooner Abby P. Chase, Capt. Wm. Blye, with immediate dispatch.

The following vessels are advertised to sail from Boston: ships Mattakeset, Peterson, with dispatch; Oneco, Drew, do; Henry Ware, Mason, do; brig Ark, schooner Harriet Lawrence.

Messrs. Peter Smith & Co., fish dealers of Baltimore, have made arrangements to send out, in the ship Aquetnet, a party



of six or eight Chesapeake fisherman, well provided with boats, lines, seines, &c., to follow their occupation on San Francisco Bay and the Sacramento River. It is said that those waters abound with fish, but there are no hands to catch them.

At New London a new California company, called the 'Union Company,' has purchased the schooner Edward L. Frost, and will fit her for California, under the agency of B. C. Baxter. She is to sail on the 1st of November.

It is stated that the total quantity of lumber shipped from the Atlantic States this season for California will not fall short of 40,000,000 feet.

Four pilot boats are now fitting up at Baltimore, for California, viz: the Comet, Maryland, R. C. Waite and Fashion. They are to be manned principally by pilots, and will go round the Horn.

A Trading and Mining Company, called the 'Cochituate Company,' has just been formed in Boston, for the purpose of going to California. They have purchased the schooner Civilian, of 170 tons, and nearly new, and will be under the command of Captain Thomas Dodge of Chatham. She is to be conducted on strict temperance principles.

A new company has been formed in Gloucester, Mass., with the intention of going to California, and have purchased the schooner Sea Serpent, 70 tons, to be commanded by Capt. Thomas Merchant.

Another vessel, now building in Essex, and partly owned in Gloucester, will be dispatched to California as soon as she can be fitted out. A schooner, 150 tons, also being built in Essex, is intended for the same destination. She is owned in Manchester, and a large company will go out in her from that place. She will carry an armament of four guns. The schooner Pontiac is also nearly ready to sail from Gloucester for San Francisco.

The ship George Washington, Capt. Winslow, will sail from Fall River for San Francisco about 15th Oct.

The ship Charles Carroll, of New London, has been withdrawn from the whaling business, and is fitting out for California.

The ship Hibernia, of New London, 551 tons, has been purchased at New Bedford, for \$15,000, for the California trade. She will be commanded by Capt. J. R. L. Smith.

Bark Providence, of Warren, R. I., has been purchased for the California trade. She will sail about the 1st November.

The steamer Tennessee, which has been running between New York and Savannah, has been purchased by Messrs. Howland & Aspinwall, for their Pacific Line of Mail Steamers, between Panama and San Francisco.

BY THE STEAMER Our readers will perceive by our advertising columns that Messrs. R. G. Berford & co., Ward House, send an agent by the steamer of the 1st prox. who will take charge of any letters, packages, &c. designed for the United States. Berford's Express to the mines and the States bids fair to be of great use, as a ready means of communication throughout our own territory, as well as with our sister States on the Atlantic coast, and is certainly deserving of the large share of public patronage it is receiving.

#### DIED.

At San Francisco, on Saturday, the 22d of December, Adam T. Story, aged 28 yrs., formerly of Catskill, Greene Co., N. Y.—Mr. Story left a good business and a large circle of influential friends, with the highest hopes of health and success in California; but alas, in the morning of life he has been taken away. The mournful tidings of his death will be as unexpected as melancholy to his numerous relatives and friends, all of whom entertained for him that true esteem, which industrious habits, exemplary integrity and unsullied character, always commands. More true than ever we can say in California, "In the midst of life we are in death."

#### MARINE INTELLIGENCE.

##### Port of San Francisco.

##### ARRIVED.

Monday, December 24.

Am bark Russell, Coleman, 29 days from Sandwich Islands.

Chilian bark Dolores, Hanson, 42 days from Valparaiso.

##### CLEARED.

Wednesday, December 26.

Am bark Smyrna, Atkins, Polynesia; Chilian brig Packet of Copiapo, Juliana, Mazatlan; Am brig Mary Stuart, McDonald, Panama; Am schs Anonyme, Latham, and Favorite, Welden, Sandwich Islands.

CARD OF THANKS. Messrs. Editors:—I would most respectfully beg leave through your paper to tender my unfeigned thanks to the citizens of Stockton, and others, for their noble and praiseworthy exertions, rendered in behalf of all the sufferers, by the fire in this place on Sunday evening last, and on my own part particularly do I feel under many obligations for their timely aid. But for their efforts, which were commendatory and generous, the whole of my property would have been laid in ruins. As no other means are afforded me, but through the press, of expressing my gratitude, I beg the citizens of this place will accept through this medium my sincere thanks for their kindness. They can find a grateful heart in Very respectfully, yours, &c.

Stockton, Dec. 24, 1849.

At a meeting of the members of the bar of San Francisco, held at the court house, December 25, Alex. Campbell, Esq., was appointed Chairman and Saml. Flower, Secretary.

The chairman having stated the object of the meeting to be the respectful recommendation to the Legislature of a suitable person for the office of Judge for the District of San Francisco, the following resolutions, offered by H. Ray Bowie, Esq. were seconded and unanimously carried:

Resolved, That Judge Almond be recommended to the Legislature as a suitable person to fill the office of Judge of the District that shall contain the town of San Francisco.

On motion of Pet Halsted, Esq. it was Resolved, That a separate recommendation of Judge Almond be prepared to be signed by the members of the bar individually.

On motion of Thomas H. Holt, Esq. it was Resolved, That a committee of five be appointed to present the above resolution and recommendation to the Legislature, and to address them on the subject.

The chairman appointed the following gentlemen on said committee:—Messrs. Thomas H. Holt, Francis J. Lippitt, Judge Hyde, Col. J. D. Munford and Calhoun Benham.

On motion the meeting adjourned.

Alex. Campbell, Chairman.

Saml. Flower, Secretary.

Head Quarters, 10th Mil. Department, } San Jose, California, Dec. 20, 1849. }

(Orders No. 41.)

1. The Brigadier General commanding the Department has this day relinquished the administration of civil affairs in California to the Execution of the Government organized under the provisions of the Constitution ratified by the people of California, at the recent general election.

2. Bvt Captain H. W. Halleck, Corps of Engineers is relieved from duty as Secretary of State.

By order of Gen Riley.

Ed. U. S. Canby, Ass't Ad't General.

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#### PROCLAMATION

TO THE PEOPLE OF CALIFORNIA.—A NEW executive having been elected and installed into office, in accordance with the provisions of the Constitution of the State, the undersigned hereby resigns his powers as Governor of California. In thus dissolving his official connection with the people of this country, he would tender to them his most heartfelt thanks for their many kind attentions, and for the uniform support which they have given to the measures of his administration. The principal object of all his wishes is now accomplished—the people have a government of their own choice, one which, under the favor of Divine Providence, will secure their own prosperity and happiness and the permanent welfare of the new State.

Given at San Jose, California, this 20th day of December, A. D. 1849.

(Signed) B. Riley.

Bvt Brig. Gen. U. S. Army and Governor of California.

By the Governor.

H. W. Halleck, Bvt Capt. and Secretary of State.

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W. J. SHERWOOD, Auctioneer.

CARGO sale of Sugar, Flour, Molasses, Pork, &c. We will sell to-morrow, Friday, Dec. 28th, at 11 o'clock, a. m. at the new store in Montgomery st., near Messrs. Burgoyne & co., opposite Howard Hotel, the entire balance of a large cargo of desirable merchandise, consisting in part, viz: 120 bbls sugar, 200 sacks flour, 60 bbls pork, 10 bbls molasses, 50 bbls lamp oil, 100 sacks barley, 57 bbls flour, 200 baskets and cases Holland gin, 100 cases Otard brandy, 100 bbls whiskey, 3 bales hops, 60 boxes pipes, 29 half pipes port wine, 45 cases Duff Gordon & co sherry, 35 cases Leacock Madeira wine, 90 kegs good brandy, 75 casks London brown stout and India ale, 50 baskets champagne, 40 m segars, &c., together with a variety of other articles worthy attention.

Damaged Goods.—Also, for account of whom it may concern, a large variety of goods saved from the late fire. Terms cash on delivery; sale positive, rain or shine. Payne & Sherwood, Auctioneers.

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AUCTION SALE.—By Backus, Mallaby & Harrison, at the large sales room in Clay, next to the corner of Montgomery st., this morning at 10 o'clock, consisting of segars, tobacco, wines, pilot bread, brandy, sugar, candles, starch, blankets, about 2000 yards of wet prints, fast colors, besides a variety of smaller articles with which the sale will commence; also a quantity of stationery and blank books.

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FOR SALE.—

Window sash glazed

Nails and spikes

Pine pork

Butter

Brandy in casks and cases

Port wine and sherry, of superior quality.

Bingham, Reynolds, Bartlett & co.

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FOR SALE at Salas, Bascunan, Fehr-

man & co.'s, California street—

1 house, 23 feet square, 2 stories high

1 " 35x11 feet, 2 stories high

1 " 30x18 " 2 "

280 ceroons jerked beef;

4 do do tongues

50 bags walnuts; 44 do dry peaches

Palm honey, and other Chilian produce.

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WORTH CLOTHING, at

Auction. On Friday, Dec

28, at 10 o'clock, a. m. will be sold at the

store of Lovering & Gay, Montgomery st.,

a large assortment of desirable clothing,

consisting of

Heavy over coats Vests

Black dress do Shirts

" frock do Dressing gowns

Pantaloons Socks

liv o Lovering & Gay, Auct's.

HERRMAN, JACOB & CO., General Merchants, Sacramento street, near Montgomery. Siegmund Herrman, Wilhelm Jacoby, Philip Kalkmann. liv tf

W. SCHLEIDEN, Custom-house Broker and General Agent, Large house on Broadway, between Dupont and Stockton street.

TO LEASE—Three houses, 16 furnished rooms, and various lots. liv u\*

KING, BOWIE, BELL & JUDAH.

T. Butler King, } H. Ray Bowie,

Chas. D. Judah, } Edwin Bell,

Attorneys and Counsellors at Law.

Moffatt's Buildings, corner Clay and Dupont streets, San Francisco. liv u

FOR SALE or to Let. The spacious and commodious building now occupied by Salmon & Ellis, on Pacific street, 24 feet front by 45 feet deep, with an alley to the yard in the rear 138 feet; apply on the premises. liv tf

NOTICE. All persons having claims against the firm of Frisbie & Moore, will please present the same at the office of Hugh C. Murray, at the Ward House, on Saturday next, between the hours of 10 A. M. and 3 P. M. Murray & Bell. San Francisco, Dec 26, '49. liv c\*

FOR SALE—at reasonable prices, to close a consignment, lumber, bricks, flour, pork, saltfish, biscuit, charqui, most wine, boots, shoes, embroidered blankets, ponchos, by Starkey, Janion & co. liv j

OFFICES TO LET—in the new building next door to Congress Hall. For further particulars apply to Chas Minturn, Broadway Hotel. liv tf

EXCHANGE, GOLD DUST, &c. Bank Drafts on New York and Philadelphia, for sale. Gold dust shipped and insured at the lowest rates. The highest price paid for gold dust. Bank bills, bills of Exchange, &c., bought and sold by Jos. B. Bidleman, Montgomery street. liv o

MUSIC—music instruments, &c. at At-will's, in Washington street, above the Custom house. All kinds of musical instruments and music, reeds, strings, &c. Also, drawing paper, maps, and goods of all descriptions. liv c\*

DRAWING PAPER—Maps, music, instruments, strings, reeds, &c., hardware, gold dust bags, scales, etc., at At-will's, in Washington st. 3 doors from Dupont st. above the Custom house. liv c\*

PICKED UP on the 16th inst. a small Yawl Boat, with green bottom, stern partly stove. The owner is requested to call on board of ship Huron, prove property, pay charges and take her away. If not called for by the 1st January will be sold to pay the same. liv n

A DESIRABLE OFFICE for rent, on Montgomery street, between Clay and Washington sts; possession given immediately. Apply to Winter & Latimer, Montgomery st. opposite Ward & co. liv u

PIANOS. Six fine toned Pianos from one of the best manufacturers, for sale by Simmons, Hutchinson & co. liv u

DOORS. 200 panel doors 1 1/2 to 1 3/4 inches thick, for sale by Simmons, Hutchinson & co. liv u

FOR GUAYQUIL. Will sail in about 8 days, the fast sailing Hamburg bark Knickerbocker, Captain H. Stego. For freight or passage apply to Sanchez Brothers, clay street. liv o

FOR Sale or Lease. A new building, with three rooms in the back building, suitable for a store or restaurant, situated on Jackson street; the building will be completed in a few days; apply to Wohler & Stevens, sacramento st, near Kearny. liv o

FOR LEASE.—The large adobe House, situated on the corner of Broadway and Dupont sts. It is a fine situation for a hotel or restaurant; possession given 1st of January; apply to Wohler & Stevens, sacramento st, near Kearny. liv o

FOR SALE—cargo of the sch Samuel M Fox, just arrived from the Sandwich Islands, consisting of Potatoes, pumpkins, bananas, cocoa nuts, yams, pork, oranges. Salmon & Ellis, Pacific st. liv tf

A SITUATION WANTED as clerk in a wholesale or retail store, or other indoor employment, by an American of liberal education, speaking the Spanish, German, French and English languages; writes a fair hand and is a passable accountant. Address C. I. E. F. Pacific News office. liv c\*

NOTICE. Reynolds, Shultz & Cox will attend to all business which may be entrusted to them with promptness and despatch. Orders may be left at their office in Broadway, near the corner of Sanson st. or at the store of Bingham, Reynolds, Bartlett & co. liv n

W. H. DOUGAL, Designer and Engraver, Washington street, opposite ruins of El Dorado. Every kind of copper plate and wood Engraving promptly and neatly executed. Devices and letters cut on seals, stamps, rings, jewelry, &c. Engravings on wood for advertisements, bill heads, etc. Maps, plans and designs of every description, drawn and engraved. liv u\*

FOUND adrift on the 9th inst. an iron Life Boat, painted black on the outside, red inside, with black thwarts, and is about 18 feet in length. The owner can have the same by calling at Clark's Point for George W. Dupignie. If she is not called for within ten days she will be sold to pay charges. liv u\*

WILL be sold on Friday morning, Dec 28, at 10 o'clock, a general assortment of merchandise, consisting of woolen goods, hardware, groceries, liquors, &c. can be seen early on morning of sale. liv c Middleton, Berry & co, Auc'rs.

SHIP ARKANSAS, from New York—Average Bond, &c.—The consignees by this vessel are requested to call and sign the Average Bond, at the office of the subscribers, and to receive their goods in conformity with the bills of lading, and as the ship is up near to shore, and in a leaky condition, it is needful she should discharge at once. All goods not called for, will be landed, and stored at the expense of the owners and sold at the expiration of twenty days (Jan. 14, 1850), to pay freight and charges, except such goods as are damaged, which will be sold under Warden's, or other proper inspection, on landing, when not called for and no owner appearing.

Geo. S. Wardle & co., Agents, Montgomery, near Pacific st.

CANNON & Allen, Geo. H. Cade & co., J. F. Evans, A. L. McCaskill & co., W. W. Haden and J. C. Harlin, or the holders of their bills lading, per Thos. P. Hart, are hereby notified to call on the undersigned, pay their charges and take their goods, within three days of this date, or their goods will be sold, forthwith, to pay all charges. C. H. Pendegast, Consignee of Thos. P. Hart, at Caughy & Bromley's, foot of Sacramento street. San Francisco, Dec. 27, 1849. liv u

NOTICE. The undersigned beg to inform the public that on account of their store in Washington st, having been destroyed by the late fire, they have now removed to their new House, corner of Washington st, behind the Custom house, where they offer for sale on liberal terms, afloat or on shore, the following goods—Chile flour, in whole and half bags Barley Chocolate Preserved meats Walnuts Window glass Dried peaches Nails Cigars Fire bricks Cognac Olive oil Dried beef 1000 cuartones cypres; assorted syrups Soruco Brothers. liv m

FOR SALE, consignment per ship Arkansas. 18,827 feet yellow pine lumber, scantling 3x7, 20 to 25 feet long. Office revolving chairs, cane back rockers, cane stools, wood seat chairs, 30 bbls prime pork, 2 frame houses. Also, for sale balance cargo Br brig Geraff, beer and ale in casks, brown stout in do. 90 M shingles, 5 sail and row boats, 16,977 ft 3x4 scantling hardwood, 1150 ft pine. Apply to George S. Wardle & co., Montgomery st., near Pacific st. liv u

LUMBER FOR SALE. The cargo of the ship Huron, now landing on the beach opposite the wreck of the ship Tonquin, consisting of 50,000 feet tongued and grooved 11-2 in plank

24,000 feet rabbited pine boards 25,000 " dressed boards 30,000 " clear boards 50,000 " selected boards 20,000 joist

250 bunches clap boards 50,000 sawed cedar shingles 1500 pickets 34,000 brick

Also, two house frames with panel doors and sash, complete, 22x30, 18 feet post. The above lumber is in good order and will be delivered on the beach from where the road is good into the town. For further particulars enquire at her yard, or of N. Miller, Battery street. liv n

1 LARGE Iron store, 20 by 60 feet, and 10 feet high, with 14 windows, 4 doors and a sufficiency of corrugated sheets of iron, bolts, extra, for a second story, if required.

One large wooden store, 22 feet by 70, and 11 feet high, pine floor, doors and windows, and shingle roof; the timbers sufficiently strong to support a second story if required.

One wooden frame, 40 by 20 feet, divided into one store and two rooms; everything complete; shingle roof.

1 house, 32x16, 3 rooms, all complete. 2 " 30x16, 2 do do

Flour in half and qr sacks. 100 fanegas barley. Lately arrived and for sale by E. D. Heathley & co., at E. Scott's, Spring and Summer streets. liv j

ADRAIN STORY, Montgomery street, one door below Pacific, offers for sale, cotton duck, assorted Nos, 1 to 10; Russia do, heavy and light; cotton drilling, os-naburgs, etc.

60 bbls No 1 pickled salmon

50 bbls prime pork

20,000 cypress dressed shingles

15,000 brick

100,000 segars, Havana and Bahia, and genuine No 1 gov't Manila cheroots

Also, Stuart's crushed sugar; light brown do; pilot bread; in store or afloat. liv u\*

COOK, WILMERDRING & TRACY,

Montgomery street.

Crockery—A large and desirable assortment. Dinner sets, coffee cups and saucers, plates, bowls, mugs, &c.

Ex Probus—six galvanised iron houses, 15x20

Ex Far West—Paper hangings of the latest styles

Ex Penelope—An invoice of English white and col'd shirts and socks

Which they offer in lots to suit purchasers. liv n\*

PUBLIC NOTICE. To all persons who have received grants of Town property from G. Q. Colton. At a meeting of the Town Council, Dec. 24, 1849, it was Resolved, That the Town Council hereby declare all grants of town lots made and signed by G. Q. Colton, Justice of the Peace, void and of no effect, the same having been unauthorized and illegally made; and that this resolution be published in the Alta California and Pacific News for the space of thirty days.

H. L. Dodge, Secretary. San Francisco, Dec 24, '49. liv co

NOTICE. Taken for safety during the fire in Clay street, a new saddle and bridle. The owner can receive it by applying at Liberty House, Pacific street, and paying expenses for advertising. liv c\*

BLANK BILLS OF LADING for sale at the office of the Pacific News. tf

REMITTANCES of Gold Dust, Coin and Bullion, to any part of New England covered by policies of insurance from the Manufacturers Insurance Company, Boston, made by each steamer, on the most favorable terms. Also—Drafts for sale in sums to suit purchasers, by Simmons, Lilly & Co., sacramento street. liv tf

REMITTANCES to all parts of the United States and Great Britain will be made on favorable terms on application to Simmons, Hutchinson & co. liv tf

N. B. The highest market price paid for gold dust, vii tf

EXCHANGE on Lima, Valparaiso, London and Hamburg, in sums to suit purchasers, for sale by Godefroy, Sillem & Co., sacramento street. xxii u\*

GOLD DUST will be forwarded to New York by the subscribers, by way of Panama, on the most favorable terms.

Insurance to the amount of Two Hundred Thousand Dollars, for each steamer, has been provided at the best offices in New York for our account.

Simmons, Hutchinson & co. liv tf

DRAFTS ON NEW YORK for sale by Bluxome, Denison & Durando, sacramento st. xlv tf

DRAFTS ON NEW YORK, or gold dust insured, by Stevenson & Parker, Portsmouth square. xlviii tf

INSURANCE AND EXCHANGE. The subscribers have open policies at the Mercantile Mutual, Atlantic Mutual, Sun Mutual, and Astor Mutual Insurance offices, New York, which enable them to cover by insurance remittances of gold dust, &c., to the amount of \$90,000 by any one steamer. Exchange on New York, in sums to suit purchasers, for sale on reasonable terms. xxvii tf COOKE, BAKER & CO.

INSURANCE TO NEW YORK. Insurance on shipments of Bullion per steamers (at the valuation of the shippers) under Policies in the best Insurance Companies in New York, to amount of \$250,000 per each steamer, can be effected by application to Everett & co, iron store, foot sacramento street. xlix tf

LOST—A Newfoundland dog, from the Tremont Hotel; body white, head partially black; whoever will bring him to the above Hotel will be handsomely rewarded, and whoever detains him after this notice will be prosecuted. He answers to the name of Wallace. liv tf

SHEET IRON, &c. Now landing and for sale by the subscribers—Sheet iron, a superior article for stoves. do do galvanized do do zinc do copper

Metal roofs put on in the best manner. Stoves for sale at wholesale, by Selby & Post, sacramento street, a few doors above Kearny street, in the rear. liv u\*

150 QUARTER casks French brandy, 18 or 20 galls. cask. 125 bbls mess pork, city inspection 80 " prime do do do 100 " white sugar 50 " brown do

Pilot and Navy bread. For sale on reasonable terms. Apply to Herrick & Moss, Mellus, Howard & co's building. liv u

LAUNCH LOST—\$50 Reward. A ship's Launch of twelve tons burthen, sharp at each end, painted blue, lined inside with Gorgonia pine, and timbers white oak; known as the "North Pacific," and has been in and about the harbor since the ship Pacific has been here; contained three oars and ledge anchor, with chain; three shovels; small warp. Apply to George S. Wardle & Co., Montgomery st., near Pacific. liv u

NEW WORK ON CALIFORNIA. Just published and for sale at this office, "California as it is and as it may be, or A Guide to the Gold Region," by F. P. Wierzbicki, M. D., a work that should be in the hands of every person visiting the country for whatever purpose. For sale at Wilson & Spalding's bookstore, Clay st, Portsmouth square, opposite the Police office. liv co

ONE STEAM ENGINE, three horse power, one house frame 16 by 22, 11 stories, complete, Baltimore cane seat chairs, do. rocking do., do. wooden do., for sale by William Ladd, Foot Jackson st. xlv tf

VIRGINIA PEAS, horse feed, Monongahela whiskey, Madeira and port wine, brandy, dried fruit, wrapping paper. Also, several fifty vara lots for sale, and 4 houses to let, by [xlv tf] Salmon & Ellis

LARGE IRON HOUSE, 25 by 40 feet, put together with screws and bolts, with planks, &c. complete. For sale by Genth, Duncker, Bottcher & co, Kearny st, above sacramento. livi o\*

STORAGE AFOAT. Merchandise of all kinds and baggage will be stored on board the ship Tahmaroo, near Clark's Point, at the lowest rates. For terms, or further information, apply on board. xlix cu\*

VALUABLE LUMBER. For sale on board bark Ella Frances, just arrived from Panama, 25,000 feet wide red cedar boards, suitable for counters, desks, furniture, &c. liv tf Simmons, Hutchinson & co.

SUPERIOR FRENCH BRANDY AND HOLLAND GIN, by the case or barrel. Also, pilot bread, sardines and China sweet-meats, etc., for sale by Simmons, Lilly & Co., sacramento st. xlviii tf

SEGARS—a very superior lot of Havana Segars—Uguess, Canones, Ceuro and Esperanza—just received and now landing. For sale by Haven & Livingston, over Mellus, Howard & co. xxv tf

WHALE OIL—at wholesale or retail, in large or small packages, for sale on board ship Tahmaroo, near Clark's Point. Apply on board. xlix cu\*



CONSIGNEES of goods per Hamburg ship *Frankiska*, from Rio Janeiro, will please attend to despatching and receiving the same before the 1st of January next, otherwise they will be landed and stored at their expense. Endicott & Greene. San Francisco, Dec. 24, '49. lii n

THE consignee of one trunk and 1 box marked O. W. Rawson, per bark *Madonna*, from New York, is requested to receive the same within ten days from the date hereof, or they will be sold to pay expenses. Stark & Co., foot of Sacramento st. San Francisco, Dec. 25. liii tf

NOTICE.—Ship *Arkansas*—This vessel is up near the shore, and ready to discharge cargo, and being in a leaky condition, being near to shore, must discharge at once. Consignees are particularly requested to call and sign the leakage bond, and receive their goods. All property not called for will be landed and stored at the expense of the owners and sold at the expiration of twenty days, (Jan. 14, 1850,) to pay freight and charges, except such goods as are damaged, which will be sold under Warden's or other proper inspection, on landing, when not called for and no owner appearing for them. George S. Wardle & Co., Agents, Montgomery street, near Pacific street. liii u December 25th, 1849.

CONSIGNEES per ship *Probus* are hereby notified that their goods are ready for delivery, and that they will be required to receive them strictly in accordance with the terms specified in their bills of lading. Turner, Fish & Co., Sacramento street. San Francisco, Dec. 11, '49. xlviii e

CONSIGNEES of Goods saved from wreck of schr. *Sacramento*, bound to this port from New Orleans, will please come forward, claim the same and pay charges previous to the 20th inst. or they will be sold for benefit of whom it may concern. Burgoyne & Co. San Francisco, Dec. 17, '49. [1 tf]

NOTICE to Consignees. The ship *Angeline*, from New York, will commence discharging on Monday, the 17th inst. All goods not called for within fifteen days from that date will be stored at the risk and expense of the owners thereof. Robert Wells & Co., corner Montgomery and Sacramento st. San Francisco, Dec. 14, '49. xlix j

NOTICE. The following Consignees per ship *Alhambra*, from New Orleans, are notified to receive their goods within ten days from date, or the same will be sold to defray expenses of storage, freight and charges. H. Y. Boyce, 1 trunk, address; L. C. Gunn, 1 qr cash, E. C. Dunbar; S. A. Hicks, 5 pkgs, address; E. A. Kunkler & Co, 126 pkgs, address; R. Thompson & Co, 1 pkg, Livingston & Co.; A. Jacobs, 1 pkg, address; B. in a diamond, 1 pkg, address; T. Abbott, 4 pkgs, Alf. Poor; J. Tillman, 1 pkg, address; W. W. in double diamond, 24 pkgs, A. S. Wright; B. W. 12 pkgs, B. Whitney; Rolfe, 1 pkg. Apply to Herrick & Moss, Mellus, Howard & Co.'s buildings. San Francisco, Dec. 20, '49. lii u

SHIP *Arkansas*, from New York. Average bond, &c. The consignees by this ship are requested to call and sign the average bond, at the office of the subscribers, and to receive their goods in conformity with the bills lading—and they will be required to receive them at once, as the ship must discharge without delay. All goods not called for by the 25th inst. will be landed and stored for account of the owners, unless damaged, in which case they will be sold under Warden's or other proper survey, no person appearing to take charge of the same. Geo. S. Wardle & Co., Montgomery st. near Pacific. San Francisco, Dec. 22, '49. lii u

SCHOONER FOR SALE.—The river packet "John Allene," 92 tons register, built in Massachusetts, very fast sailer, newly and heavily coppered, well found, and fitted for a sea voyage—with cabin berths for 22 persons. May be delivered subject to her present voyage to Sacramento city, or there, or on her return. Apply on board, very near Clark's point, or to Gladwin & Whitmore, corner Montgomery and clay streets, up stairs. xxxv tf

FOR SALE. The A. 1. American ship *Alhambra*, of 700 tons burthen. Her inventory is complete and can be made ready for sea at short notice. For further particulars apply to the captain on board, or to Herrick & Moss, Mellus, Howard & Co.'s buildings. lii tf

FOR SALE.—one schooner-rigged, lap-streaked boat, 23 feet long, 7 feet 6 inches wide, 3 feet 10 inches deep; has two suits of sails, anchors, spars, blocks, rigging, everything complete—copper-fastened, and will carry about 8 tons xl tf Macondray & Co.

FOUND ADRIFT.—A four oared boat, black waist, red bottom. Any person proving property, paying charges, can have the above by calling at the north west corner of Pacific and Sansome streets. P. McFaden, by S. B. Ludlow. lii u

PICKED UP.—In Racoon straits, on Thursday morning, a cuttle boat, between 5 and 8 ton burthen, about 22 feet long, partly decked over, painted black; had one mast with sail on it. For information inquire of Leonard Story, Sausalito. lii e

210 cast Iron Pumps, assort'd pattern 6 casks lead pipe 7 casks miner's picks, with handles 200 miner's crow bars 70 doz do shovels and spades 1 cask do cast steel drills, ass'd 2 cases crucibles; 500 chamois skins 15,000 feet patent safety fuse. Now landing and for sale by WM. LADD xlviii tf foot Jackson st.

CHARCOAL of superior quality for sale by G. H. BEACH. xxxi tf

## LEGAL NOTICES.

NOTICE. Having to leave San Francisco for a few months, I have appointed Cesar T. Schwerin, (of the firm of Schwerin, Garbe & Co) of this place, to be my agent, and have given to him a power of attorney, to transact my business during my absence as well as that of my father, Stephen Smith, of Bodega. S. Henry Smith. li j

ESTATE of *Aguilla Glover*, deceased. Notice is hereby given that letters of administration on the real and personal estate of *Aguilla Glover*, deceased, late of the District of San Francisco, have been duly granted to Mary J. Glover. All persons having claims against the said estate, and all persons indebted thereto, are hereby notified to present said claims, duly authenticated and proven, and pay the amount of their indebtedness immediately. W. S. Clark, Att'y for Mary J. Glover, Administratrix. San Francisco, Dec. 25, '49. liii u

ADMINISTRATOR'S sale of Real Estate, under the direction of the court of First Instance.—The undersigned, Administrator of the estate of John A. King, late of San Francisco, deceased, will sell at public auction, in front of the court house, Portsmouth Square, on Tuesday, 25th December, at 12 o'clock, that certain house and lot of land in Pacific, near Sansome street, known as the Maine Hotel; the said lot being in width, on Pacific street, 40 feet by 68 feet 9 inches in depth. The house is 40 feet front, by 25 feet deep, two stories, made in New York, of the best materials, and in every respect well built. The sale will be subject to a lease of the premises for one year from the 22d October last, at \$600 per month. Terms, cash on the day of sale, on delivery of the deed. xlviii a Robt. D. Hart, Adm'r.

NOTICE. Three large trunks, one large box and three small boxes were carted from California street landing, with orders to take them to the corner of Jackson and Dupont streets, on Tuesday the 18th inst. The owner not having come forward they are now in charge of the undersigned. The said owner is requested to come forward, pay charges and take them away, otherwise they will be sold according to law. Enquire of John E. Smith, Washington House, carter for John Murphy. lii u

CIRCULAR.—State Department of California: Monterey, November 19th, 1849. All accounts against the existing civil government of California should be presented for payment, previous to the first day of January next. All accounts north of, and including the district of San Jose, should be presented to Major Allen; at San Francisco, and all south of that district, to Capt. Kane, at Monterey. The salaries of civil officers authorized by law, will be paid on the presentation of the appointments, or certificates of election, as the case may be; but all other accounts and charges must receive the approval of the Governor before they can be paid. By order of the Governor: H. W. Halleck, Bvt Capt. and Sec'y of State. xlii u

FOR SALE.—By Salmon & Ellis, Pacific street—10 frame Houses, 18x24 1 " " 18x40 8 zinc " 15x30 8 " " 15x20 Salaratus; carpenters' tools, &c. 1 tf

FIRE PROOF ROOFS. The subscribers, Agents for P. Naylor, metal roofer, of New York city, are prepared to cover roofs and houses with metal in the most approved manner. The sad disaster which has so lately befallen our town and many of its most enterprising citizens might have been avoided, if the roof, rear and front sides of their buildings had been covered with metal, which can be done without much additional expense. Persons erecting buildings will do well to call upon us. A specimen of our work can be seen at the foot of Sacramento st., Messrs Cooke, Baker & Co.'s large warehouse. For sale, several iron houses do sheet iron, now landing do do do galvanized do do do zinc do do do Also, tin by the box, to arrive, which probably will be here in a few days. Selby & Post, Sacramento st. a few doors above Kearny, in the rear. liii u

CARGO of the Danish ship *Androklos*, from Valparaiso—2000 bags Chili Flour, 1 qql each 550 " " 2 qql " 1208 " barley 206 bbls ale and porter 100 bags walnuts 100 qql chocolate 2 bales beaver cloth Sardines in tins, syrups, silk pocket handkerchiefs, &c. For sale by S. H. Vives, Sacramento street, between Montgomery and Kearny street. liii j

NOTICE. The subscriber has completed his Steam Mill and is now prepared to receive orders for every description of Turning and Sawing. Also, for sale a large lot of Lumber, consisting in part of the following—Large lot worked pine do timber and scantling do Chilean joist do oak and ash plank do mahogany and N. Zealand pine shashes, on hand and made to order. For sale wholesale and retail by Benjamin Carman, Webb street, near Sacramento street, where he is constantly receiving every description of lumber. N. B. Lumber bought and sold on commission. liii e c

EXCHANGE.—Drafts, in sums to suit purchasers, on NEW YORK and NEW ORLEANS. For sale by BURGOYNE & CO., Bankers, Montgomery st. xv tf is

## EXPRESS LINES.

A DAMS & CO'S EXPRESS, for N. York, Boston, and the principal towns in the New England States, Philadelphia, Baltimore, Washington, &c. &c. Gold dust bought, also forwarded to any of the above places, and bills of exchange given in any amounts. Letter bags made up and forwarded by a special messenger in each of the steamers. Office Montgomery street, near Osborn & Bannan. A. ADAMS, Boston, W. B. DINSMORE, N. York, D. H. HASKELL, San Francisco, xxxii uA Proprietors.

FOREIGN AND INLAND EXPRESS, HAVEN & LIVINGSTON, an Francisco, California, in connection with Livingston, Wells & Co., New York, having agencies in all the principal Atlantic cities, Great Britain and France, offer their services in the various branches of their business. Bullion, gold dust, packages, etc., etc., received and forwarded to any of the above places. Orders filled and the articles returned with the utmost despatch. Drafts on New York, Philadelphia, and other large cities. Articles of value received for safe keeping. Office, in New York, 10 Wall street, in Philadelphia, 43 South Third street. HAVEN & LIVINGSTON, Clay street. iv tf

SPECIAL EXPRESS for New York and the Atlantic Cities from San Francisco, leaving and returning the first of each month. A special messenger will leave in the steamer of the 1st of January, 1850. The advantage of competent business men traveling in company with Gold Dust, valuable packages, and executing orders in person, is evident to experienced men. Insurance upon the most favorable terms under our open policies, and remittances made to the principal cities in the United States, Great Britain and the Continent, upon the most favorable terms.—Merchants, miners and mechanics will find this a favorable opportunity to communicate with their friends and to carry out any arrangements for the execution of orders for merchandise, machinery, &c. For further information enquire of Geo. S. Wardle & Co. N. B. Letters will be received and forwarded with especial care. li tf

A SPECIAL MESSENGER TO GERMAN. MANY will be sent by way of the Isthmus, and will undertake to forward Gold Dust, and to execute commissions on merchandise, machinery, &c. Persons desirous of having relations or friends sent out from Germany to San Francisco, may contract with the subscribers, who will procure them a passage in one of their first class fast sailing vessels leaving Bremen in March or April next. They will also conclude contracts with tradesmen, workmen or farmers, if desired. Fajeken, Frisius & Co., Pacific street. lii u

MUSICAL INSTRUMENTS.—A rich assortment of Musical Instruments of all kinds, for sale by Fajeken, Frisius & Co., Pacific street. lii u

## INDIA RUBBER GOODS.

SIMMONS, LILLY & CO. HAVE just received a full assortment of the above Goods, among which are Large & small Tents, Drinking Cups, Coats, Cloaks, Blankets, Sou'westers, Ponchos, Water Buckets, do with hoods, Beds, Whips, Pillows, Gloves, Tent Cloths, Capes, Piano covers, Rubber cloth, Life Preservers, Travelling Bags, do pipe, Haversacks, Knapsacks, Saddle Bags, Wading & short boots &c. &c. Which are for sale, at wholesale or retail, at their stores, on Sacramento and Sansom streets. xxxv tf

DISSOLUTION. The co-partnership heretofore existing between Charles L. Ross and Nelson K. Benton, under the firm of Ross, Benton & Co., has expired this day by its own limitation. All persons indebted to said firm are requested to call and settle their accounts previous to 31st inst. Either of the parties will use the name of the firm in liquidation. Charles L. Ross, Nelson K. Benton, San Francisco, Dec. 7, '49. 1 tf

NOTICE. The subscribers having on the 5th inst. purchased the interest of Anthony L. Bleecker, in the late firm of Bleecker, Van Dyke & Belden, the said co-partnership was on that day dissolved. The business will be continued under the firm of Van Dyke & Belden, who are authorized to use the name of the late firm in liquidation. Richard Van Dyke, Jr., Robert H. Belden, by his Att'y, Richard Van Dyke, Jr. San Francisco, Dec. 15, '49. li j

PRIVATE HOSPITAL. DR. ARTHUR B. STOUT, will open the elegant residence of C. L. Ross, Esq., as a Private Hospital, on the 12th Nov.—Every convenience which can conduce to the rapid recovery of Patients will be provided. Private rooms may be engaged. xxxiii cy

VALUABLE PROPERTY to Lease—4 lots on stockton street 5 lots on Greene street 5 lots on Clay street 4 lots on Clay and Washington street alley. To Rent—1 two-story house on stockton street; 10 small houses, at low rent, on Pike st; several offices and rooms in Clay street row. George R. Morris, Clay street row, 1 j

## REAL ESTATE.

CITY LOTS FOR SALE—43 lots in Happy Valley, Mission and Third streets; 8 lots near Dewitt & Harrison's and the landing, fronting on Broadway; 50 lots on Harrison street; 14 lots on Turk street.

FOR RENT, 14 lots on Union and Stockton streets, fronting the Public Plaza; 10 lots, between Powell and Stockton streets, on Pacific street.

FOR RENT OR SALE, 7 lots on Valejo and Dupont street; 14 lots on Powell and Filbert street; 14 lots on Pacific and Leavenworth sts. Apply to H. O'Donnell, Notary Public, corner Kearny and Pacific sts. xliii tf

NOTICE TO SQUATTERS.—The undersigned begs leave to caution the public in general against squatting upon his farms or ranchos, as follows: One farm on the river Sacramento, extending to the mouth of Feather river and American Fork, known as *Rancho del Paso*. Also, two ranchos on the San Joaquin river; one of 8 leagues, granted to Don Hernandez by Gov. Micheltoreno, and adjoining the same; being one undivided half of 8 leagues granted by Gov. Micheltoreno to Balentine Heguira, near the Pueblo Pass. All persons are hereby notified to abstain from taking possession of any portion thereof, at the peril of being proceeded against according to law. HIRAM GRIMES. iv tf

FOR SALE, 6 fine lots on the S. W. corner of Washington and stockton streets, being 4 lots, each 25 ft on stockton st., by 100 feet deep; 1 corner lot, 37 1/2 ft on stockton st., by 100 on Washington; 1 lot, 37 1/2 ft on Washington by 137 1/2 ft. deep. Enquire at Dr. Stout's Hospital. xxxiii tf

HOUSE FOR SALE OR RENT.—The undersigned offers the large warehouse at the foot of Washington street for sale or rent. Possession given on the 2d day of March, 1850, when the present lease expires. E. P. Jones, xlii tf cor. Kearny and California sts.

TO BE LET—several comfortable offices, rooms and bed rooms, neatly finished, upon the second story of the new brown building, with an iron staircase in front, on Montgomery st., between Jackson and Pacific. Merchants and others desiring to locate themselves in a business situation, would do well to examine the same. Attached to the premises are a well and privy. Rent moderate to permanent tenants; apply as above to Thomas Whaley. liii o

TO LET—a House and Lot on Broadway, near Battery street. The lot is 138 feet deep and in a good position for a Ten Pin alley; also, a plat of six good building lots in the same vicinity; apply to Wm. S. Clark, or Benj. Poore, at Clark's Point. liii u

HOUSE TO LET, situated at the corner of Montgomery and Jackson streets, one hundred and seven feet on Montgomery street and thirty-three feet on Jackson street, and two stories and a half high—to be rented by stores, rooms, or the whole. Inquire of Mr. DeBoom, clay street. liii j

FOR LEASE OR RENT. That capacious and handsome new building just completed, situated on Jackson street, two doors below Kearny street, suitable for a Restaurant and Lodging House, having three stories of 50 feet depth and 24 feet wide. For terms apply on the premises. lii u

FOR RENT.—The hold of a vessel for storage, about 120 tons, more or less, grounded in front of Fremont's Family Hotel; has the convenience of being able to receive stores from sea or land, being connected with a good wharf. Boarding and Lodging, with every convenience, on board the said vessel, on moderate terms. For particulars apply on board. lii n

FOR RENT. A large two story House, corner of California and Spring streets, containing fifteen rooms, together with a large store and loft for storage. The above will be let separately or collectively on reasonable terms. Apply to White, M'Glynn & Co. lii u

TWO RENT OR LEASE—TEN SMALL COTTAGES, in an eligible location, suitable for small families. These houses are built in good style, and have a fine large verandah in front. They are situated on Stockton street, immediately beyond the residence of Frank Ward, Esq., and command an extensive view of the outer harbor, Sausalito, Angel Island, &c., together with a prospect of the town of San Francisco. To those desiring a comfortable, dry residence, during the rainy season, this opportunity will be found decidedly advantageous. For particulars, apply to Robert Wells & Co., xlv tf cor. Mont'g and Sacramento sts

WATER LOT FOR SALE. On the 1st day of January next, at 12 o'clock, M. I will sell at public auction, at the Court House door, on Portsmouth square, in the city of San Francisco, Lot No. 441 of the Beach and Water Lots. The sale to be for cash in hand. The title is good, direct from the city authorities. J. B. Hart, Att'y for Geo. M'Dougall and Adm'r of Wm M'Donald, deceased. xlix a

LAW NOTICE. P. Barry and James C. Smith having associated themselves in the practice of the Law, at San Francisco, will continue to occupy the office hitherto occupied by Mr. Barry, on Portsmouth square, over the Alcalde's court. Mr. Barry contemplating an absence of a few months, during which time he will visit the cities of Mexico and Washington, will undertake and promptly attend to any business connected with the profession. J. C. Smith will at all hours be found at his Law office ready to transact any business confided to him. P. Barry, J. C. Smith. xlviii uA

## REAL ESTATE.

LOTS FOR SALE in the city of south San Francisco, offering the greatest inducements to persons recently arrived, who are desirous of locating themselves with superior advantages. The city of south San Francisco is situated two miles south of the city of San Francisco, immediately on the bay, having every advantage for the shipping, and is supplied with wholesome water in great abundance. A stream of sufficient quantity to supply both cities and all the shipping that ever may lay in their harbors, forms the northern boundaries of this place—is quite accessible and is about being conducted into reservoirs for that purpose. The harbor is more securely protected from the winds than the harbor of San Francisco, and ships of the heaviest burthen may at all times of the tide lay within a boat's length of the land at many points, and quite close along the whole front of the city, affording the best facilities to discharge cargo. The soil is free of dust, and is of a rich clay nature. There are extensive stone quarries, and springs of pure running water are in many places. The surrounding scenery is highly picturesque, and a more pleasant place for residences, or a more convenient place for business is not to be found on the bay. The only good road from the city of San Francisco to the Pueblo of San Jose passes through south San Francisco, crossing the mouth of Mission creek and the mouth of the stream of fresh water already alluded to. On this road you travel along a beautiful valley of firm grass land to the Puerteseuelo, a distance of less than two miles. Persons desirous of purchasing lots, which will wholly equal in value those of the City of San Francisco and provide for themselves residences on moderate and easy terms can do so by calling at the office of the undersigned in Clay st., where full particulars will be given them. HUNTER & BROTHER, Agent for the Proprietors. A good House with everything necessary for the accommodation of visitors is now established at south San Francisco. xxiv tf

CAUTION.—Whereas, one J. A. Sutter has published a notice, in which he claims title to the land on the east bank of the Sacramento river, between the Feather river and the American Fork, I hereby notify the public that I am the only legal owner of the said land, under a warranty deed from J. A. Sutter himself, dated Aug. 10, 1843; and I therefore caution all persons that no legal title can be acquired to the same, or to any portion thereof, except through me. Justice to myself requires me to add that I shall hold the said J. A. Sutter legally responsible, both for the libel on my character, and the slander of my title, which his notice contains; and that if its publication is the result of a conspiracy to defraud me of my property, I shall take care that the offenders be brought to justice as soon as a criminal court before which they can be tried, is legally organized in this territory. Any person desiring to satisfy himself of my title to the above land, is invited to call on W. H. Tiffany, at Boston, or on the undersigned, at his office, Sacramento street, San Francisco. Hiram Grimes

COUNTRY RESIDENCE for sale, near Honolulu, Oahu, S. I.—A convenient Family Dwelling House for sale, in Nuuanu Valley, a few hundred yards off the main road, commanding extensive views both seaward and inland, and about ten minutes easy ride from the port of Honolulu. It contains eight rooms, of the following dimensions; one room 22x21 feet, one room 22x19 feet, one room 18x14 feet, two rooms 18x12 feet each, one room 24x18 feet, one room 18x18, one room 22x8 feet; verandah 122 feet long in front, and extending nearly all round the premises; a detached cooking house, servants' house, three-stall stable, harness and coach house, fowl house, etc., all built of substantial materials, and in excellent order. The grounds comprise an area of nearly 2 acres, including a garden in front, tastefully laid out, and a graper, both of which are stocked with an excellent selection of healthy young fruit trees. Also, on sale, a few eligible lots, on the beach, at Honolulu, suitable for erecting stores, which will be offered at public auction on the 15th January next, if not previously disposed of by private contract. For further particulars, apply to xlv tf Starkey, Janion & Co.

TOWN OF BOSTON.—Lots at the town of Boston, beautifully situated at the junction of the American Fork and Sacramento rivers, are now offered for sale. The town of Boston is only a few hundred yards above Sutter's Embarcadero, on the north side of the American Fork, and in the immediate vicinity of the gold mines, and from its situation possesses superior advantages for business purposes. The land which forms the site of the town is twelve feet above the highest water mark, and the river is twenty-three feet in depth at the banks. It is believed that no place offers greater inducements for investments than this town, as in addition to the above mentioned advantages it has a fine climate, good soil, with an abundance of excellent water, and is free from inundation at all seasons. The town has been surveyed by Mr. J. Halls, and laid out in a convenient manner, and a plan of it can be seen, and any other information relating to it obtained on application to Hiram Grimes, } San Francisco; or, J. Halls, } or, W. H. Tiffany, at Boston. iv tf

LANDS ON SALE.—26 lots in Pueblo San Jose. 56 lots in Sonoma. Several allotments in Suisun. 1,000 lots in the town of Boston, opposite Sacramento City. 2 farms on the San Joaquin. 12 do in Rancho del Paso. 11 lots in San Francisco. 18 do on lease for a term of years. For terms apply to HIRAM GRIMES, Sacramento street. iv tf



Governor Burnett's Inaugural Address.

Gentlemen of the Senate and Assembly:

I have been chosen by a majority of my fellow citizens of the State of California to be her first Executive. For this proof of their partiality and confidence I shall ever retain a most grateful sense. To be chosen Chief Magistrate of California, at this period of her history, when the eyes of the whole world are turned towards her, is a high and distinguished honor, and I shall do all in my power to merit this distinction, by an ardent, sincere and energetic discharge of the weighty and responsible duties incident to the position I occupy.

Nature, in her kindness and beneficence, has distinguished California by great and decided natural advantages; and these great natural resources will make her either a very great or a very small and petty State. She can take no middle course. She will either be distinguished among her sister States, as one of the leading stars of the Union, or she will sink into comparative insignificance. She has many dangers to encounter, many perils to meet.

In all those countries where rich and extensive mines of the precious metals have been heretofore discovered, the people have become indolent, careless and stupid. This enervating influence operates silently, steadily and continually, and requires countervailing causes, or great and continued energy of character in a people to successfully resist it. How far this influence may mould the character of the future population of California, time alone can determine. If she should withstand and overcome this great peril, she will constitute a bright exception to the fate that has attended other States similarly situated.

But I anticipate for her a proud and happy destiny. If she had only her gold mines the danger would be imminent, but she has still greater and more commanding interests than this—interest that seldom or never enervate or stupify a people, but, on the contrary, tend, in their very nature, to excite and nourish industry, enterprise and virtue. I mean her agricultural and commercial advantages. While our mines will supply us with ample capital, and our fine agricultural lands will furnish us with provisions—our great and decided commercial facilities and position will give full and active employment to the energies and enterprise of our people, and will prevent them from sinking into that state of apathy and indifference which cannot exist in a commercial and active community.

Our new State will soon take her equal station among the other States of the Union. When admitted a member of that great sisterhood, she will occupy an important position, imposing upon her new and great responsibilities. She can never forget what is due to herself; much less can she forget what is due to the whole Union. Her destiny will be united with that of her sister States. And she will then form one of the links of that bright chain that binds together the happy millions of the American people.

How wide and extended is our expanding country. With only thirteen States and three millions of inhabitants originally, we have grown in the short space of three quarters of a century, to be one of the greatest nations of the earth. With a federal government, to manage and control our external relations with the world at large, and State governments to regulate our internal and business relations with each other, our system is peculiarly adapted for extension over a wide field, without the danger of becoming unwieldy and impracticable. We have now more than twenty millions of inhabitants and thirty States, with others knocking at the door of the Union for admittance. Our States and cities line the eastern coast of North America facing Europe, and our country extends across the entire continent to the shores of the Pacific, facing the millions of Asia. We have commanding military and commercial positions on both oceans, and nothing can retard us in our onward march to greatness but our own errors and our own follies.

California has her part to act in this great march of improvement, and whether she acts well her part or not, depends much upon her early legislation. With the most ardent desire to do my duty towards our new and rising State, I pledge you my most cordial co-operation in your efforts to promote the business of California and the Union. For the principles that will govern me in my administration of the executive department of the State, I beg leave to refer you to my forthcoming message.

I thank you gentlemen for the kindness and courtesy you have shown me, and hope that your labors may redound to your own honor and the happiness of your constituents.

FIRST ANNUAL MESSAGE

OF THE

Governor of the State of California.

Gentlemen of the Senate and Assembly:

The circumstances under which you have assembled are most new, interesting and extraordinary—demanding our devout gratitude to the Supreme Being, the Creator and Father of us all.

You compose the first Legislature of the first free American state organized upon the distant shores of the Pacific. How rapid, astonishing and unexampled, have been the changes in California. Twenty months ago California was inhabited by a sparse population—a pastoral people—deriving their main sustenance from their flocks and herds, and a scanty cultivation of the soil—their trade and business limited, and their principal exports consisting of hides and tallow. Within that short period has been made the discovery of the rich, extensive and exhaustless gold mines of California; and how great already have been its effects? The trade and business of the country has been revolutionized and reversed—the population increased beyond all expectation—commerce extended—our ports filled with shipping from every nation and clime—our commercial cities have sprung up as if by enchantment—our beautiful bays and placid streams now navigated by the power of steam—and amidst all this unprecedented bustle and excitement, the energetic, intrepid, and sensible people of California have framed a constitution for our new state—the Pacific Star.

You have assembled as the representatives of the people to put the state government into practical operation; and the duty you have before you is a sublime but difficult task, requiring great unanimity, vigor and wisdom in your councils.

The first question you have to determine is whether you will proceed at once with the general business of legislation or await the action of Congress upon the question of our admission into the Union. The convention which formed the constitution under which you have assembled, and the people who have ratified it with so great unanimity, have settled that question for themselves; but they have not settled it for you or for me. The same oath that you and I have taken, to support the Constitution of California, also obliges us to support the constitution of the United States; and when the provisions of the two instruments conflict, the constitution of our common country must prevail. That great instrument which now governs more than twenty millions of inhabitants and links in one common destiny thirty states, and is to govern the one hundred millions that will soon succeed us, and the many free states yet to be, must claim our purest affections, and our first and highest duty. If then, I would be inconsistent with the just rights of the United States, for you to proceed to put the state government into full operation, before she be formally admitted into the Union, you should without hesitation forbear, and leave our people still to suffer on, rather than violate one single principle of the great fundamental law of the land.

But I apprehend there can exist no well founded objections to the proposition, that you have the right to proceed at once to put the state machine into full and practical operation. The Federal Government is one of limited delegated powers, and although supreme within its appropriate sphere, yet outside that sphere and in reference to the reserved powers of the states or the people, it has nothing to do. So far as their reserved powers are concerned, the states are independent of the general government, of each other, and of the whole world. The exercise of other powers conferred by the constitution of California can in no way interfere with the rights of the United States, as they only assume to regulate our own internal, social, and business relations with each other.

Perhaps it may be satisfactory to refer to a few examples to be found in the constitutions of some of the new states. In the constitution of Missouri, adopted on the nineteenth day of July, eighteen hundred and twenty-three, is a provision that one election should be held throughout the state, on the fourth Monday of August of the same year, for a Governor, Lieutenant Governor, member of Congress, members of the Legislature, and other officers. The Legislature were required to meet on the third Monday of September, and to pass laws of a permanent character, at their first session. It is well known that the state was not admitted into the Union upon the first application; but in the meantime, so far as I am enabled to state from information, having no access to the records of the state, the state government was put into successful operation. Her members of Congress were not permitted to take their seats, and she was excluded from all voice in the National Legislature; but so far as her mere internal relations were concerned, she had the same rights before, that she had after her admission.

In the constitution of Michigan adop-

ted in convention began and held on the 11th day of May 1835, it is provided that an election be held for governor, lieutenant governor, members of the legislature, and a representative in congress, on the first Monday of October, of the same year, and the first meeting of the legislature was held on the first Monday of November, 1835. In that year Congress was not in session after the 4th day of March until the first Monday of December following, so that the state government of Michigan was in full operation before application could be made to Congress for her admission into the Union.

These reasons and precedents would seem to leave no doubt of your right to proceed at once with the great business of legislation, so imperiously demanded by the destitute and confused condition of the country; and I would therefore most earnestly recommend you to set about the great and difficult task before you, without hesitation or delay.

Among the first and most important of your duties, besides the local legislation necessary for the state, will be the adoption of a civil and criminal code of law for her government. This is an object of supreme importance; and it is the more so from the consideration that the action of the first Legislature will hardly be disturbed by any succeeding one. What shall be done now, cannot be touched or changed hereafter, but at great cost and inconvenience. The new state of California is now in a position to adopt the most improved and enlightened code of laws to be found in any of the states. The science of law is not yet fully perfected, and admits of some improvement, and in our new position, we can readily adopt all the improvements that the researches and experience of others, have made.

I have given the subject my most careful attention for some years past, and as the result of my own convictions, I recommend the adoption of the following codes, so far as they are applicable to the condition of the State, and not modified by the constitution or the vote of the legislature.

1. The definition of crimes and misdemeanors contained in the common law of England.
2. The English Law of Evidence.
3. The English Commercial Law.
4. The Civil Code of the State of Louisiana.
5. The Louisiana Code of Practice.

These codes, it is thought, would combine the best features of both the civil and the common law, and at the same time omit the most objectionable portions of each. The civil code of Louisiana was compiled by the most able of American jurists—contains the most extensive and valuable references to authorities—has undergone no material changes for the last twenty years—and for its simplicity, brevity, beauty, accuracy, and equity, is perhaps unequalled.

Its provisions almost entirely relate to general subjects, not local, and would be quite applicable to the condition and circumstances of the State. The civil law, the basis of the Louisiana civil code, aside from its mere political maxims, and so far only as it assumes to regulate the intercourse of men with each other, is a system of the most refined, enlarged, and enlightened principles of equity and justice. So great a portion of the cases that will arise in our courts, for some years to come, must be decided by the principles of the civil law, that the study of its leading features will be forced upon our judges and our members of the bar. The civil code of Louisiana, being a mere condensation of the most valuable portion of the civil law, would greatly lessen the labors of our jurists and practitioners; and from the simplicity, and yet comprehensive nature of its provisions, a general knowledge of the leading principles of the law, might be more readily diffused among the people. A sufficient number of copies of both the civil code and the code of practice, could be procured in New Orleans, at much less cost than they could be published here.

The grave and delicate subject of revenue is one to which I would call your particular attention. From the best estimate I have been enabled to make, the current expense of the State government for the first year, will reach half a million of dollars; but most probably will exceed that sum. This large amount can be raised only in two modes—either by loan, or by taxation. The first of these modes is objectionable on many accounts. The high rate of interest, which money so readily commands in the markets of California, would prevent the State from negotiating a loan, except at such exorbitant rates, as would be ruinous to her future prosperity. There can be no policy, perhaps, more injurious to our young State, before her credit is established or her resources developed, than that system of borrowing, which has proved so disastrous to so many new States. As between individuals, it is exceedingly doubtful whether the credit system, upon the whole, has produced more good or most evil; and the objection applies, with much greater force, to organized states or communities. There is something wrong in principle in the very idea of entailing our burthens upon

posterity. When a state borrows money to construct some great and permanent improvement, and leaves future generations to pay the debt, she also leaves them the work itself, or some sort of compensation. The violation of principle consists in the present generation assuming to act for, and to bind the next without their consent. But the case is still worse, when a State borrows money to defray the ordinary expenses of her civil administration; because she bequeaths a debt to posterity, without any means to pay it. It would be similar to the case of a father borrowing money for his own purposes during his life, and expending the same upon objects transitory in their character, and when he makes his will, to put in a clause that his children shall pay the debt, while at the same time, he leaves them nothing to pay with.

The only available and just mode of procuring the indispensable means of supporting the State government, is by a system of direct taxation; the most fair, simple, and just mode of taxation ever resorted to. The people then know distinctly what the blessings of government cost them, and which is the more desirable, a plain republican government, administered upon economical principles, or a more extravagant system of expenditure; and if they should not be willing to pay enough to carry on an economical government, it would at once solve the great problem whether they are capable of self-government or not. The people of California may be safely trusted upon this subject; for there are no people more able and willing to pay the just taxes necessary to support the government than they. What property they have, commands a high and ready price, paid in the precious metals; and labor meets such ample reward, that no healthy man can complain of poverty. The law protects every man in his person and property. For the protection it gives his person he ought to pay a capitation or poll tax; and for the protection it gives his property, he ought of right to pay a tax, in proportion to its amount and value.

I recommend, therefore, the imposition of a poll tax and a tax upon real and personal property, in proportion to its value. I also recommend that provision be made that no individual who shall refuse to pay his taxes, being able, when they shall be legally demanded, shall be permitted to bring a civil suit, in any court in this State, for the period of one year; and not then, until all arrearages are paid. This may seem a harsh measure, but it is not. The honest individual who pays his taxes will not feel it, and he who wishes to evade the payment of the just dues of the State, ought to feel it. There are some individuals in California who intend to remain here only while they extract her gold, and enjoy the protection of her laws and who would willingly return without paying anything. This is particularly the case with respect to the great mass of foreigners in the country. In remote sections of the state, it may be very difficult to enforce the collection of the revenue by levy and sale. Many individuals, perfectly able to pay, would find means to avoid the collector. But the silent and sure operation of the provision I recommend, would ensure the collection of the revenue promptly, and with but little expense. There are few men who would, by their own voluntary act, exclude themselves from the courts of justice.

I recommend that the collectors be authorized to receive the taxes in California gold, at the usual rates of sixteen dollars per ounce, Troy.

Were the State revenue to be collected in coin, it would greatly increase the demand already so great for the Custom House; and would thus operate still more injuriously upon the laboring miner; besides it would be almost impossible for persons in the mines to provide themselves with the coin. I would also recommend that the revenue law be so framed as to require the collector to go around with the assessors; otherwise one half the revenue, in some districts, would be lost in consequence of the frequent change of residence.

The operation of a reasonable and sound system of taxation upon the agricultural resources of the country would be most decidedly beneficial, in a very short period. Most of the fine agricultural lands of California are now in the hands of a few persons, who suffer them to remain wild and uncultivated. A few months ago, when the population was small and the wants of the community but few and simple, the natural pasturage of the country, with a limited cultivation of the soil, was ample for all the purposes of life; but under the changed circumstances, when our country teems with people who must be fed, and when the population is so rapidly augmenting, it is unreasonable, if not impossible, that the country should remain in a state of nature.

No country can safely depend upon an uncertain foreign supply of the first necessities of life. Such a supply would be subject to all the vicissitudes of war or peace, would never be regular, and prices would always be fluctuating, either extravagantly high, or so low as to discourage importation. The provisions

themselves are generally stale and unwholesome, and no doubt one half the disease suffered in the country has arisen from this prolific source. When those who own such immense tracts of rich, fertile and beautiful lands, now in a state of nature, producing no rents or profits, shall have to pay taxes upon them, in proportion to their value, they will find it their interest to sell out portions to those who will cultivate them; and thus encouraging the agricultural industry of the country, and at the same time greatly increasing the value of the portions not sold. In the last fifteen months the number of cattle in the country has been rapidly decreasing, while our population has increased in the same ratio. Fresh meats are indispensable to our health, and cannot be imported; and if this state of things should continue only a few years longer, the increased expenses of living will be so great, that mining and other kinds of business must cease to be profitable. The constitution makes it the duty of the legislature to encourage agriculture—that first and noblest of all industrial pursuits; but I am not aware of any other means at present within your power than those I have suggested.

That portion of our people resident in California before its cession to the United States, have not been accustomed to a system of direct taxation; and being the principal owners of the landed property of the country, may not, at first, understand the justice or the necessity of the revenue system our constitution and condition make it indispensable for you to adopt. The Mexican government derived no revenue from California, except that produced by a high tariff upon imports. These taxes were paid by the people in the shape of exorbitant prices for the merchandise they purchased. But this portion of our population will soon learn that, under our system, the federal government can alone levy duties upon imports—that the state cannot do so, and has only left to her a resort to a system of direct taxation to raise those means indispensable to the very existence of the government itself. They will also see that our constitution establishes the first principle that all property shall be taxed in proportion to its value; and that the legislature has no power or right, either to favor or oppress any class of persons, but must look to the property itself, in whose hands soever it may be found. They will also learn that the same American manufactures, upon which they were accustomed to pay such high duties, now come into our ports duty free, and that they are compensated for the direct taxes they pay in the increased value of their property, and the decreased prices of the merchandise they consume.

It has been as truly as beautifully said that a wise legislator adapts his action to circumstances. These he cannot create or remove—he can only conform to things he cannot control. He must take mankind and society as he finds them, not as he would make them. He may so shape his laws as to produce a gradual improvement; but he cannot expect at once to reverse or overcome, even the prejudices of a community.

Our constitution has wisely prohibited slavery within the State; so that the people of California are once and forever free from this great social and political evil. But the constitution has made no provisions in reference to the settlement of free people of color within our limits, but has left the legislature to adopt such legislation upon this delicate and important subject as may be deemed most essential to the happiness of our people. The constitution excludes this class of persons from the right of suffrage, and from all offices of honor or profit under the State.

For some years past I have given this subject my most serious and candid attention; and I most cheerfully lay before you the result of my own reflections. There is, in my opinion, but one of two consistent courses to take in reference to this class of population: either to admit them to the full and free enjoyment of all the privileges guaranteed by the constitution to others, or exclude them from the state. If we permit them to settle in our state, under existing circumstances, we consign them, by our own institutions, and the usages of our own society, to a subordinate and degraded position, which is in itself, but a species of slavery. They would be placed in a situation where they would have no efficient motives for moral or intellectual improvement, but must remain in our midst, sensible of their degradation, unhappy themselves, enemies to the institutions, and the society whose usages have placed them there, and forever fit teachers in all the schools of ignorance, vice and idleness.

Our position upon the Pacific, our commercial and mineral attractions, would bring swarms of this population to our shores. Already we have almost every variety of the human race among us—a heterogeneous mass of human beings, of every language, and of every hue. That period is rapidly approaching when the natural increase of population in the states east of the Rocky Mountains, will render slave labor of little or no value, and when investments in that species of property will cease to be re-



munerative. If measures are not early taken by this state, slaves will be manumitted in the slave states, and contracts made with them to labor as hirelings for a given number of years, and they will be brought to California in great numbers. Our state is now in a position to take an efficient stand upon this subject. A few years delay will make it almost, if not quite, impossible to do that, which can be so easily accomplished now. If California will take a decided stand now, and firmly maintain it, a few years experience will demonstrate the practical utility of the measure. That weak and sickly sympathy—that misplaced mercy, that would hesitate to adopt a salutary measure to-day but would suffer all the inevitable consequences of to-morrow, may consider the policy I propose, as harsh in its character—but if it is calculated to produce the greatest good to the greatest number, it is the best humanity. It could be no favor, and no kindness, to permit that class of population to settle in the state, under such humiliating conditions, although they might think otherwise, while it would be a most serious injury to us. We have certainly the right to prevent any class of population from settling in our state, that we may deem injurious to our own society. Had they been born here, and had acquired rights in consequence, I should not recommend any measures to expel them. They are not now here, except a few in comparison with the numbers that would be here, and the object is to keep them out. I therefore call your most serious attention to this subject, believing it to be one of the first importance.

The constitution provides that the sessions of the legislature shall be annual, on the first Monday of January. It also provides that members of the legislature shall be chosen on the Tuesday next after the first Monday of November, unless otherwise ordered by the legislature. The legislature at its first session is required to appoint a Comptroller, Treasurer, Attorney General, Surveyor General, three Justices of the Supreme Court, and Judges of the District Courts; but Judges of the County Courts, Clerk of the Supreme Court, District Attorneys, Sheriffs, Coroners, Assessors, Collectors, Justices of the Peace, and other officers, must be elected by the people.

These officers are most important, and the government cannot be put into operation without them. The question then arises, will the legislature make provision for the election of these officers at as early a day as practicable, or shall their election be deferred to the general election in November next? I would most respectfully recommend that a general election be held throughout the State for those officers, at the earliest convenient period.

It will be necessary to pass a general act in reference to the judiciary. I recommend that a criminal court be established for the city of San Francisco; and also one for the City of Sacramento. The business of these cities is so great, that it becomes necessary to separate the civil and criminal jurisdiction, and to place them in separate and distinct courts.

I would call your attention to the thirty-seventh section of the fourth article, and to the fourth section of the eleventh article of the constitution, having reference to the "organization of cities and incorporated villages" and the establishing "a system of county and town governments throughout the State." The objects contemplated in these two sections are very important to the peace, beauty and health of our commercial cities. Great distress and inconvenience have already been experienced by the inhabitants of our growing towns, for want of some efficient system of city government; and until some general and comprehensive system can be adopted, applicable to all places in the State, having a certain number of inhabitants, there will be no permanent improvement in the present unfortunate condition of things.

I have now suggested to you, gentlemen, such of the more important measures I have thought it my duty to recommend, and the limits of a message would allow—but there are many other and important subjects, to which only a very brief allusion can be made. It will be necessary to pass an act in reference to crimes and misdemeanors, affixing such punishment to each as may be in just proportion to the offence, and in the power of the state to inflict, under existing circumstances. It would also be highly useful to pass an act to prevent the desertion of seamen from merchant vessels visiting our ports. By the laws of all civilized countries, the contracts of seamen are regarded as peculiarly sacred, and are therefore rigidly and specifically enforced.

I would also recommend the establishment of an inspection of provisions at San Francisco, that our people may not hereafter suffer so great losses from the purchase of injured provisions.

It will be necessary to divide the state into counties to determine the number of Justices of the Peace—to make provisions for the acknowledgment and registration of deeds and the registration of the separate property of the wife, and to protect from forced sale a certain portion of the homestead and other property of all heads of families. It will also be necessary to make provision for the early construction of suitable public

buildings—such as will answer for the present purposes, and may be useful for public offices hereafter.

You have before you a great amount of labor, and you will have to assume great and weighty responsibilities. The first legislature of a new state, under ordinary circumstances, have a difficult duty to discharge. But our position upon the Pacific ocean, the relation we bear to the other states of the Union, and to the civilized and semi-civilized, would impose upon us peculiar responsibilities. We have to develop the great resources of our new country. Our commercial advantages are greater than our mineral, great as those are. The latter will supply us the necessary capital to build our commercial cities and to carry on the most extended commerce.

We shall soon be in close commercial intercourse with the teeming population of the old world. The rich and cheap productions of Asia are already pouring into our ports, and a few years will give us the wholesale trade of the entire North West Coast. We have a new community to organize—a new state to build up. We have also to create and sustain a reputation in the face of the misconceptions of our character that are entertained elsewhere. But we have the most ample and the most excellent materials of which to construct a great community and a great state. The emigration to this country from the States east of the Rocky Mountains consists of their most energetic, enterprising and intelligent population, while the timid and the idle, who had neither the energy nor the means to get here, were left to remain at home.

Either a brilliant destiny awaits California, or one the most sordid and degraded. She will be marked by strong and decided characteristics. Much will depend upon her early legislation. To confine her expenditures within due bounds—to keep the young State out of debt, and to make her punctual and just in all her engagements, are some of the sure and certain means to advance and secure her prosperity. I hope we may be able to build up for her a reputation that will bear the just criticism of the sensible, fair and candid of all parties, as well as the vindictive assaults of her enemies, and the errors and indiscretions of her friends. Be all your efforts to accomplish this great object. You may depend upon my most cordial co-operation in all such measures as I can conscientiously approve. And now, relying with sincere but humble confidence upon the favor and protection of the Supreme Ruler, who governs nations as well as individuals, I subscribe myself

Your fellow citizen.  
PETER H. BURNETT.

**Official Canvass of the Vote of the State.**  
The San Jose correspondent of the Alta California, gives the following as the result of the official canvass of the State. The total vote for Governor being the largest single vote cast, amounts to 14,313. The whole number of votes given at the polls in the State, was, therefore, fully 15,000.

| FOR GOVERNOR.            |        |
|--------------------------|--------|
| Peter H. Burnett,        | 6783   |
| Winfield Scott Sherwood, | 3220   |
| John A. Suter,           | 2201   |
| John W. Geary,           | 1358   |
| William M. Stewart,      | 619    |
| Scattering,              | 32     |
| FOR LIEUTENANT GOVERNOR. |        |
| John McDougal,           | 7374   |
| Richard Roman,           | 2368   |
| John B. Frisbie,         | 1558   |
| Francis J. Lippitt,      | 1127   |
| A. M. Winn,              | 802    |
| Pablo De La Guerra,      | 129    |
| Scattering,              | 363    |
| FOR CONGRESS.            |        |
| George W. Wright,        | 5451   |
| Edward Gilbert,          | 5300   |
| Rodman M. Price,         | 4040   |
| Lewis Dent,              | 2129   |
| P. A. Morse,             | 2066   |
| E. J. C. Kewen,          | 1826   |
| W. O. Shepard,           | 1773   |
| W. E. Shannon,           | 1327   |
| Pet Halstead,            | 1271   |
| L. W. Hastings,          | 215    |
| Scattering,              | 750    |
| For the Constitution,    | 12,061 |
| Against Constitution,    | 811    |

**THE NEW STATE OFFICERS.**—The following is a list of officers elected under the State Constitution:

Governor—Peter H. Burnett.  
Lieut. Governor—John McDougal.  
U. S. Senators—John C. Fremont, and Wm. M. Gwin.  
Representatives in Congress—Geo. W. Wright, Edward Gilbert.  
Secretary of State—Wm. Van Voorhies.  
Treasurer—Richard Roman.  
Comptroller—J. S. Houston.  
Attorney General—Ed. J. C. Kewen.  
Surveyor General—Chas. J. Whiting.  
Chief Justice—S. C. Hastings.  
Associate Justices—H. A. Lyon, Nathaniel Bennett.

**WILLIAM LADD,**  
Commission Merchant,  
Foot of Jackson st.  
**HENRY OGDEN RYERSON,**  
Attorney & Counsellor at Law  
Office in Mellus, Howard & Co's Building, head of Long Wharf.  
References—G. B. Post, R. M. Price, J. B. Bidleman.

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References—  
Gen. P. F. Smith, Benicia.  
Gov. Riley, Monterey.  
Hon. Robert J. Walker, Washington.  
Hon. Wm. H. Marcy, do  
Toussend, Milligan & Co., N. Y.  
Austens & Spicer, do  
Leroy M. Wiley & Co., do  
Townsend, Arnold & Co., Charleston.  
Gilbert T. Snowden & Co., Columbia.  
James, Sheehan & Co., Millidgeville.  
Burns & Burnside, New Orleans.  
G. N. Church, Vicksburg.  
James McKimmon, Raleigh.  
Ward & Co., San Francisco.  
S. H. Harrison, collector, do.  
N. B. Merchants and traders shipping to California ports can have their business attended to with care and promptness.

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**MARKWALD, CASPARI & CO.,**  
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**COPARTNERSHIP.** The undersigned have this day entered into a co-partnership for the transaction of a general and commission business, under the firm of Markwald, Caspary & Co.

**ADOLPH MARKWALD,**  
**MICHAEL CASPARI.**  
San Francisco, Cal., Oct. 16, '49

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" Cross, Hobson & Co. "  
" Starkey, Janion & Co. "  
" E. Mickle & Co. "  
" Finlay, Johnson & Co. "  
" Robt. Wells & Co. "  
Mr. B. Davidson, Agent for Messrs. W. M. Rothschild & Sons.  
Mr. Wm. M. Smith.  
" Wm. Buckler.

Office at Messrs. Robt. Wells & Co. corner of Montgomery and Sacramento street.

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**Shipping and Commission Merchants,**  
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C. B. Conant, Ellis & Co., Boston.  
Nehemiah Mann, Long Wharf.  
Dwight & Trowbridge, N. O.  
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Gold pens  
Coffee mills  
Tea trays  
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Glass tumblers  
" liquor flasks  
Earthen pitchers  
" bowls & mugs  
Olive oil  
English mustard  
Cayenne pepper  
Castile soap  
Family soap  
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**COPARTNERSHIP NOTICE.**—Mr. WILLIAM H. STOWELL entered our firm as a partner on the 1st inst.

**SIMMONS, HUTCHINSON & CO.**  
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